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*REPLY TO: ROCHESTER*

July 12, 2024

**VIA E-MAIL**

Hon. Lawrence J. Vilardo  
United States District Judge  
United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202

Re: *United States v. Payton Gendron*, 22-CR-109-LJV, update regarding JSSA motion

Dear Judge Vilardo,

The Court previously asked us to provide an update regarding the status of the defense's JSSA motion filed on July 22, 2022. Please accept this response as the defense's update. As the Court will recall, the government does not oppose disclosure of items in category A. Further, we view as resolved our requests under Category A Items numbered 1, 3, 4, 5, and 12. *See* Dkts. 155, 169, 184. Accordingly, we propose that the Court order the Government to provide to us the letter described by Mr. Drier in conjunction with Item A15 within one week. The Court should further order Mr. Drier to provide Items 2, 6, 9, 15, 16, 20, 21 and 24 to us within three weeks.

Regarding item A24, Mr. Drier has informed us that redaction of these materials will be burdensome. In order to eliminate the time consuming nature of this process for the Court and the Jury Administrator, we are willing to agree to a restrictive protective order obviating the need for redaction. Accordingly, we will submit to the Court a proposed protective order governing these materials by July 19, 2024. This will enable Mr. Drier to provide us with unredacted materials within the three-week deadline issued by the Court.

The government has objected to the disclosure of items in category B. These outstanding issues are fully briefed and ripe for the Court's determination. We request that the Court schedule oral argument on these disputed issues.

Respectfully,

/s/Anne M. Burger  
Anne M. Burger

Supervisory Assistant Federal Public Defender

/s/Sonya A. Zoghlin

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/s/MaryBeth Covert

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